

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

RUBEN LOERA GRANADOS,
Plaintiff,

v.

MANUEL RUAN, HEALTH SERVICES
ADMINISTRATOR and
JOE D. DRIVER, WARDEN,
Defendants.

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C.A. NO. C-04-671

**MEMORANDUM OPINION AND ORDER GRANTING IN PART AND
DENYING PARTY RESPONDENT'S MOTION TO DISMISS**

On July 14, 2005, the United States Magistrate Judge filed her Memorandum and Recommendation in this cause (D.E. 16). Objections were timely filed but have no merit (D.E. 18). Having reviewed *de novo* the Magistrate Judge's memorandum and recommendation and the pleadings on file, this Court hereby adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, defendant's motion to dismiss (D.E. 15) is granted in part and denied in part. Plaintiff's FTCA claim is DISMISSED for failure to exhaust administrative remedies, and his *Bivens* action against defendant Driver also is DISMISSED. Plaintiff will proceed on his *Bivens* action against defendant Ruano.

ORDERED this 24 day of Aug, 2005.


HAYDEN HEAD
CHIEF JUDGE